

REMARKS

The instant amendment is an RCE under 37 CFR 1.114 being filed after Amendment C, filed May 8, 2006. Amendment C was not and should not be entered. Therefore, the instant amendment is in response to the February 7, 2006 Office Action. Reconsideration of the pending application is respectfully requested. Reconsideration of the above referenced application is respectfully requested. Claims 22-29 and 33-44 are currently pending in the above referenced application. Claims 1-21 and 30-32 have been canceled.

35 U.S.C. §102 REJECTIONS

The Examiner has maintained the rejection of claims 22-24, 26, 33, 38, 39, 41-42 and 44 under 35 USC §102(e) as being anticipated by HEALEY (US 2002/01877701). Applicant respectfully traverses the Examiner on this ground of rejection.

Examiner alleges that HEALEY discloses a filter media that includes a middle-filtering layer formed from at least one meltblown layer having different gradients of basis weight. Examiner then interprets that such different gradients of basis weight provides for gradients in porosity.

Applicant is currently claiming in Claim 22:

A mat of fibrous media comprising: at least a first layered mat portion of selected first fiber size distribution and permeability and at least a second layered mat portion of selected second fiber size distribution and permeability both said first and second layered mat portions being of substantially aligned fibers of first and second selected fiber size distributions and permeabilities *with each being attenuated as layers from spaced orifice sources directly to separate, spaced similarly rotating collector sources with one of such sources receiving said layered mat portion from the other immediately preceding spaced rotating collector source forming a mat of fibrous media having at least one of said layers with a smooth surface.*

Claims 22, as currently amended, has the limitation of having the layers each being attenuated from spaced orifice sources directly to separate, spaced rotating collector sources forming a mat of fibrous media having at least one of said layers with a smooth surface as indicated above. There is no teaching or suggestion in HEALEY of these claim limitations, hence, each and every element as set forth in the claim is not found, either expressly or inherently, in HEALEY. In fact, HEALEY teaches away from the fibrous media of the instantly claimed invention.

FIG. 1 illustrates one embodiment of a filter media 10 having a first outer layer 12 formed on a dust entering side 20 of the filter media 10, a middle filtering layer 14, *and a second outer layer 16, or backing*, formed on a dust exiting side 30 of the filter media 10. The first outer layer is preferably formed from a meltblown polymer fiber web, and it is effective to increase the dust holding capacity of and provide stiffness to the filter media 10. The second outer *supporting layer 16 is preferably formed from a spunbond polymer fiber web, or a 2-ply combination layer having a meltblown polymer fiber web adhered to a spunbond polymer fiber web. The second outer layer is effective to add strength to the filter media 10, which can prevent rupture of the filter 10 during processing.* The middle filtering component 14 serves as the primary filtering component of the filter media 10, and can be formed from one or several layers of fiber web. HEALEY, para. 20.

Applicant is currently claiming a fibrous media where each layer is attenuated. HEALEY specifically teaches away from this by having a spunbond second outer layer (see above excerpt and FIGs. 1-3) to add strength and prevent rupture during processing. Since HEALEY does not disclose attenuated layers as currently claimed, Applicant's Attorney respectfully requests this ground of rejection be withdrawn.

Regarding claims 23-24, 26, 38, 39, 41-42 and 44, these claims depend from one of the independent Claims 22, 29 and 33 and hence have the limitations as set forth in these claims through claim dependency. Since these independent claims are currently in an allowable condition, Applicant's Attorney respectfully request that these rejections be withdrawn as well.

The Examiner has rejected claims 22-24, 26-29, 33-39, 41-42 and 44 under 35 USC §102(b) as being anticipated by EP 0960645 A2. Applicant respectfully traverses the Examiner on this ground of rejection. Examiner alleges that EP '645 reference discloses a three-layer vacuum cleaner bag construction that comprises a filtration grade meltblown layer.

Applicant is currently claiming the fiber layers each being attenuated from spaced orifice sources directly to separate rotating collector sources. EP '645 does not disclose attenuating each layer of fibers to a rotating collector but only to optionally include meltblown fibers in a layer of a vacuum cleaner bag with a non-attenuated layer.

The outer course filter layer may be spunbond, wet-laid, dry-laid, or hydroentangled nonwoven, netting or other type of scrim or nonwoven. EP '645, para. 64, lns. 6-7. See also FIGs. 1-7, 8A-8AA, 12-16, 18A-18P, 19Q-19AF, 20AG-20BL.

Since EP '645 does not teach attenuated layers as currently claimed, Applicant's Attorney respectfully requests this ground of rejection removed.

The Examiner has rejected Claims 22-27, 33-34, 36, 38, 39-41 and 43 under 35 U.S.C. § 102(b) as being anticipated by HEALEY (WO 01/32292 A1). Examiner alleges that WO '292 discloses a filter media comprising a synthetic micro fibers polymer fine fiber wherein the diameter of the fibers is between about 0.8 to about 1.5 microns, a filter media composite that includes a coarse fiber layer, and a meltblown polymer fine fiber web which is mechanically entwined with coarse fiber layer.

Applicant respectfully traverses the Examiner on this ground of rejection. Again, Applicant is currently claiming the fiber layers *each being attenuated* from spaced orifice sources directly to separate rotating collector sources. WO '292 teaches a melt-blown layer on a support layer (see FIGs. 1-3, pg. 4, lns. 13-15) and does not disclose the presently claimed

invention. Hence, Applicant's Attorney respectfully requests that this rejection be withdrawn as well.

35 U.S.C. §103 REJECTIONS

The Examiner has rejected claims 25, 40 and 43 under 35 USC §103(a) as being unpatentable over EP 0960645 A2 as applied above, and further in view of HEALEY. Again, neither HEALEY or '645 teach fiber layers *each being attenuated* from spaced orifice sources directly to separate rotating collector sources as currently claimed. Hence, Applicant's Attorney respectfully requests that this rejection be withdrawn as well.

CONCLUSION

Applicant's Attorney believes that the instant application is now in condition for allowance and therefore respectfully requests that the Examiner withdraw the pending rejections. However, if the Examiner believes there are other unresolved issues in this case, Applicant's Attorney of record would appreciate a call at (502) 584-1135 to discuss such remaining issues.

Respectfully submitted,

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